

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY P. BOSWORTH,

Defendant.

No. 2:15-PO-0038-JTR

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

Trial in this matter was held on October 26, 2015, before the undersigned. The United States was represented by Assistant U.S. Attorney Matthew F. Duggan and Legal Intern Sam Smith. Mr. Bosworth was present with counsel David L. Stevens.

The Court heard testimony from Federal Protective Services Officer Stephen Yewcic, General Services Administration Facility Manager Paul Zambon, U.S. Deputy Marshal William Downey, Maria Bosworth, and Anthony Bosworth; reviewed six exhibits offered by the United States; and heard the argument of counsel.

**FINDINGS OF FACT**

1. On February 25, 2015, Defendant was physically present on the plaza of the United States Courthouse. On its south side, this plaza abuts the municipally owned sidewalk and its north edge runs to the main entrance to the courthouse.

1           2.     This is an area necessarily traversed by Federal employees coming to  
2 and from work in the courthouse, and it is also the roof of the employees' parking  
3 garage.

4           3.     Defendant was carrying in plain view two firearms, an unloaded AK  
5 47 semi-automatic rifle, and a Glock 17 pistol, which was fully loaded and had a  
6 round in the chamber.

7           4.     Defendant was present to exercise his Constitutional rights and to  
8 protest unrelated events in this courthouse.

9           5.     Mr. Bosworth did not have a permit to demonstrate or pass out  
10 literature.

11          6.     Defendant was ordered to leave, or to remove his firearms, by at least  
12 two Federal law enforcement officers, at least one of whom cited Title 18 United  
13 States Code, Section 930.

14          7.     There is no evidence that signs announcing this prohibition against  
15 firearms were posted or that Mr. Bosworth had any notice of this requirement  
16 before he came to the area on the day in question.

17          8.     Defendant testified he was leaving as ordered, and that he intended to  
18 comply with applicable laws, but the fact that he argued with the officers or  
19 debated the legality of the order belies that claim, and the Court finds that  
20 Defendant did not leave when directed to do so.

21          9.     Defendant was thereupon arrested and cited for a violation of 41  
22 C.F.R. § 102-74.385.

23          10.    Defendant did not resist the arrest, and did not otherwise breach the  
24 peace.

25                Upon which Findings of Fact the Court now makes the following:

26                               **CONCLUSIONS OF LAW**

27          1.     Defendant did not need a permit, because he was not "demonstrating"  
28 or leafleting.



1 For these reasons, as well as the relatively short time frame contemplated in  
2 this Order, the Court anticipates that this Presentence Investigation Report will be  
3 abbreviated compared to felony Presentence Investigation Reports. The Court  
4 requests what information may be available regarding Defendant's prior criminal  
5 convictions, mental and physical health, education and employment, family and  
6 financial resources, and future plans or aspirations. Information regarding  
7 substance abuse is requested if available and pertinent in the judgment of the U.S.  
8 Probation Officer.

9 4. Not later than **November 25, 2015**, the Probation Officer shall mail  
10 (or otherwise furnish) a copy of the Report to the Court and counsel for the parties.  
11 Disclosure shall be subject to the limitations imposed by FED. R. CRIM. P. 32(d)(3).  
12 The parties shall have until the date of sentencing to file objections to the  
13 Presentence Investigation Report. The failure to provide written objections will  
14 not limit the parties' argument at sentencing.

15 5. Defendant shall be sentenced on **December 2, 2015, at 1:30 p.m.**,  
16 before the undersigned.

17 **IT IS SO ORDERED.** The District Court Executive shall enter this order  
18 and furnish copies to counsel.

19 DATED October 26, 2015.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE